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Report of the International Criminal Court

Information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 12 of General Assembly resolution 68/305, by which the Assembly requested the Secretary-General to continue to include information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court in a report to be submitted to the Assembly at its sixty-ninth session.

* A/69/150.

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1. Article 3 of the Relationship Agreement between the United Nations and the International Criminal Court provides as follows: "The United Nations and the Court agree that, with a view to facilitating the effective discharge of their respective responsibilities, they shall cooperate closely, whenever appropriate, with each other and consult each other on matters of mutual interest pursuant to the provisions of the present Agreement and in conformity with the respective provisions of the Charter and the Statute."

2. During the period from 1 July 2013 to 30 June 2014, the United Nations cooperated extensively with the Court pursuant to the provisions of the Relationship Agreement.

3. In the field of institutional relations, addressed in chapter II of the Relationship Agreement, the United Nations provided to the Court a range of services and facilities, including reimbursable loans; satellite communications services; payroll costs for staff assigned to work exclusively on matters pertaining to the Court; access to the United Nations System Electronic Information Acquisitions Consortium; field security services; air and ground transportation services for Court personnel and equipment; provision of laissez-passer and certificates; and training services, including access to language proficiency examinations for Court staff members. The services were all provided on a reimbursable basis in accordance with the Relationship Agreement and General Assembly resolution 58/318.

4. In the field of cooperation and judicial assistance, which is addressed in chapter III of the Agreement, the Organization provided extensive assistance to the Court in the period under review, in particular in the form of access to the Organization's records and archives and the making available of a number of United Nations personnel for interview by the prosecution in connection with certain situations before the Court and with certain situations under preliminary examination by the Prosecutor. No requests for testimony by United Nations personnel were received during the reporting period. In addition, the Organization provided input to the Prosecutor on her draft policy paper on sexual and gender-based crimes. A Court-wide memorandum of understanding for cooperation between the United Nations Multidimensional Integrated Stabilization Mission in Mali and the Court was concluded and is in the process of being signed.

5. During the reporting period, the Secretary-General transmitted to the Security Council a decision on non-cooperation with regard to a Council referral. The decision of Pre-Trial Chamber II of 9 April 2014 related to the non-compliance of the Democratic Republic of the Congo with the cooperation requests issued by the Court regarding the arrest and surrender of Omer Hassan Ahmad al-Bashir.

6. In addition to cooperation extended by the United Nations to the Court pursuant to the provisions of the Relationship Agreement, the United Nations makes every effort to refrain from any actions that would frustrate the activities of the Court and its various organs, including the Prosecutor, or undermine the authority of their decisions. Further to the issuance by the Secretary-General of guidelines on contacts between United Nations personnel and persons who are the subject of arrest warrants or summonses issued by the Court (see A/67/828-S/2013/210), United Nations officials continued to implement the policy on essential contacts. In accordance with practice, the Legal Counsel informs the Prosecutor and the President of the Assembly of States Parties to the Rome Statute of any meetings

with persons who are the subject of arrest warrants issued by the Court that are considered necessary for the performance of tasks mandated by the United Nations. During the past year, a United Nations principal had occasion to meet an individual who is the subject of arrest warrants in relation to the situation in Darfur. It was not possible to inform the Court's principals beforehand of that meeting. The Legal Counsel subsequently explained to the Prosecutor and the President of the Assembly why it was considered necessary for the meeting to be held.